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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082.483	02/25/2002	Esteban Yopez III	29250/CE087111	4403
4743	7590	04/06/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	3

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,483

Applicant(s)

YEPEZ ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 7 – 9, 13, 15 – 16, and 18 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT publication number WO 00/42789 to Galyas.

With regard to claim 1, Galyas teaches transcoders TRX (see figure 2) connected to a packet based network (figure 2, see also page 5 lines 5+) which utilizes encoders and decoders which process voice data (see 13, lines 14+) and a control processor 230/430 which control access to the network 630 according to a selective queueing scheme as described on pages 10 – 12 and shown in figure 4B (router, see page 10 line 6). While the router is apparently located in the BTS and the transcoders in the TRAU in figure 6A, such that the units are separate (ie, the router is not "included" in the transcoder), the examiner believes that having these units situated as shown in figure 6A is an obvious variation of having the control processor included in the transcoder.

With regard to claim 2, see page 10 line 9 (control flag).

With regard to claim 3, see page 13, line 22 (control flag indication).

With regard to claim 7, note the discussion above, and further note

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that circuit switching is taught on page 7 line 25, and also note the use of GSM throughout the document; and that packet switching is taught on page 5, line 6; further note digital network 630 in figure 6A.

With regard to claims 8 – 9, see the rejection of claims 2 – 3.

With regard to claim 13, each of the claimed features is discussed above.

With regard to claims 15 – 16, see the rejections above.

With regard to claims 18 – 20, see page 9, lines 4+ (“queued so that they may be forwarded at different times” would suggest putting the bypass calls at the bottom of the queue).

3. Claims 4 – 6, 10 – 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT publication number WO 00/42789 to Galyas in view of Applicants Admitted Prior Art (hereinafter referred to as AAPA).

With regard to claim 4, Galyas teaches the invention as described above, including the use of a circuit switch, but does not teach the bypass mode to be neither coded nor encoded by the transcoder. This is taught in AAPA. AAPA teaches, beginning on page 1, lines 29+ of the specification, that:

“Another concern about voice traffic is that for mobile-to-landline calls, encoded wireless communication signals from a mobile station to a base station must be decoded by a voice processor in a transcoder (ie, a device performing both encoding and decoding) at the base site before the voice information is sent to a PSTN. This step of decoding the signal from the wireless user presents additional delay to the voice traffic signals. In order to mitigate this delay, as well as prevent audio degradation due

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to double transcoding, wireless systems *typically employ a bypass scheme that allows voice information sent from one mobile station to another mobile station to "bypass" the decoding and encoding steps performed in the transcoders of the base sites, thereby eliminating the delay inherent with these steps*" (emphasis added). AAPA also states the problem concerning the fact that no discrimination is made between bypass mode calls and normal mode calls. See page 2, lines 18+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have solved the delay problem associated with coding when transmitting data through mobile to landline users/networks through the system of Galyas through the use of a bypass mode which is neither coded nor encoded, in light of the teachings of AAPA, in order to help prevent delay in the system.

With regard to claim 5, AAPA teaches encoding/decoding mobile/landline connections, and that the bypassed, mobile/mobile connections are not encoded or decoded.

With regard to claim 6, the claimed features are discussed above.

With regard to claims 10 - 11, see the rejection of claim 5.

With regard to claim 12, 14, and 17, the claimed features are discussed above.

4. Examiner Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30 Monday through Friday.

SB

JB

3/24/04


Ajit Patel
Primary Examiner